IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Revision No. 5393 of 2006

Date of Decision: 13.10.2006

Jarnail Singh ...Petitioner

Vs.

Jasbir Kaur and Anr. ...Respondents

CORAM Hon'ble Mr.Justice Vinod K.Sharma

Present: Mr.Anil Chawla, Advocate,
for the petitioner.

Vinod K.Sharma, J. (Oral)

Present revision petition has been filed against the dismissal of the application moved by the petitioner praying that the affidavit tendered in evidence be taken out of record.

Learned Trial Court rejected the application by holding that similar objection was taken when the affidavit was tendered and objection was left open. In spite of the said order the petitioner chose to file application in the court which has been dismissed by the learned Trial Court.

Learned counsel for the petitioner placed reliance on the judgment of this court in **CR No. 6622 of 2005 Raj Kumar and others Vs. Bawa Jai Gopal Singh** decided on 23.12.2005 to contend that the objection raised by the petitioner was to be decided by the court once it was

raised and it could not be kept open. Reliance on the judgment is totally misconceived. In that case the question was with regard to the document to be taken on record.

The other contention raised by the learned counsel for the petitioner in the present case is that the evidence sought to be produced was not relevant for the decision of the controversy. Learned counsel for the petitioner by placing reliance on Order 18 Rule 4 of the Code of Civil Procedure submits that the objection has to be decided then and there. This contention is totally misconceived. No such inference can be drawn from the reading of Order 18 Rule 4 of the Code as contended by the learned counsel for the petitioner. Even otherwise, by way of impugned order no rights of the parties have been decided which may call for any interference by this court in revisional jurisdiction.

Dismissed.

(Vinod K.Sharma)
Judge

13.10.2006
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